

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD FEEDAM,

Plaintiff,

Case No. 06-CV-13440

vs.

HON. GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (DOCUMENT # 22) AND DENYING BOTH PLAINTIFF'S AND
DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT

Plaintiff, Ronald Feedam, challenges the Social Security Administration's determination to deny his application for disability and disability insurance benefits. As provided by 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1(b)(2), the case was assigned to Magistrate Judge Scheer for pre-trial proceedings.

The court has received Magistrate Judge Scheer's Report and Recommendation, filed February 26, 2007, concerning the parties' cross-motions for summary judgment. The magistrate recommends that both plaintiff's and defendant's motions for summary judgment be denied, and that the case be remanded to the commissioner for further proceedings. Proceedings shall include vocational expert testimony, in order to determine whether alternative occupations existed in the national economy that could be performed by the plaintiff given his non-exertional limitations during the relevant period.

In Magistrate Scheer's Report and Recommendation, the conclusion section clearly stated that objections to his report and recommendation were to be filed within 10 days of

service of a copy thereof. 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b). However, neither plaintiff nor defendant Commissioner has filed objections to the report and recommendation to date. The failure to file such objections waives a party's right to further appeal. Howard v. Secretary of Health & Human Services, 932 F.2d 505 (6th Cir. 1991).

The court has considered the pleadings and the Report and Recommendation of the magistrate in this matter. For the reasons stated in the well-reasoned Report and Recommendation of Magistrate Judge Scheer, both plaintiff's and defendant's motions for summary judgment are hereby DENIED, and the case is remanded for proceedings consistent with Magistrate Judge Scheer's Report and Recommendation.

IT IS SO ORDERED.

Dated: March 26, 2007

S/George Caram Steeh

GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
March 26, 2007, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk